

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:12-cv-00224-MR-DLH**

AMY A. GILMAN,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER OF REMAND</u>
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the Defendant's Consent Motion for Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) [Doc. 14].

Sentence four of 42 U.S.C. § 405(g) provides, in pertinent part, that "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Defendant here has moved for reversal of his decision and for remand of this case for further administrative proceedings.

The Court finds that remand is appropriate. See Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991). Upon remand to the Commissioner, the Appeals Council shall instruct the Administrative Law Judge to: (1) update the medical evidence; (2) reassess the severity of the Plaintiff's medically determinable impairments and combination of impairments, including her substance abuse; and (3) make a determination as to whether substance abuse is material, if the Plaintiff is found to be disabled. The ALJ further will be reminded that the testimony of a medical expert may be helpful in determining the severity of the Plaintiff's combined impairments, whether the Plaintiff is disabled when considering all her impairments including substance abuse, and whether substance abuse is material to a finding of disability.

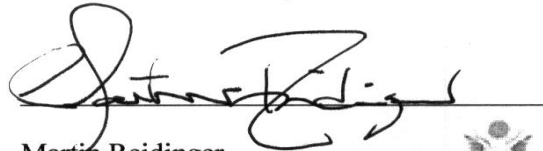
IT IS, THEREFORE, ORDERED that the Defendant's Consent Motion for Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) [Doc. 14] is **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and this case is hereby **REMANDED** for further administrative proceedings, consistent with this Order.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith, thereby closing the case.

IT IS SO ORDERED.

Signed: February 13, 2013


Martin Reidinger
United States District Judge

